

REMARKS

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 5, and 9 have been amended. No claims have been added. Claims 3, 7 and 11 have been cancelled. Accordingly, claims 1-2, 4-6, 8-11, and 12-15 are pending in the Application.

I. Claims Rejected Under 35 U.S.C. § 103

Claims 1-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over “Using XML Schemas to Create and Encode Interactive 3-D Audio Scenes for Multimedia and Virtual Reality Applications” by Potard et al. (“Potard”) in view of “Proceedings of the 2003 International Conference on Auditory Display” by Pihkala et al. (“Pihkala”).

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham).

In regards to the rejection of independent claims 1, 5, and 9 under 35 U.S.C. § 103, these claims have been amended to incorporate the elements of claim 3, 7, and 11, respectively. Specifically, claims 1, 5, and 9 have been amended to recite “wherein the spatiality extension information of the sound source further includes geometrical center location information representing a center point of the sound source.” These amendments are supported, for example, by original claims 3, 7, and 11 and page 9, line 6 through page 10, line 31 of the Specification as filed. In view of the incorporation of the elements of claims 3, 7, and 11 into claims 1, 5, and 9, claims 3, 7, and 11 have been cancelled.

The Examiner cites § 2.5.2 of Potard to allegedly disclose these elements of claims 3, 7, and 11 which are now incorporated in claims 1, 5, and 11. See Office Action, Page 7. This section of Potard discloses a command to move an object from an original location to a destination location. See Potard, § 2.5.2. The Examiner argues that the “original location” as

disclosed in these portions of Potard is analogous to the geometrical center location information of the sound source dimension information. However, Potard does not disclose that this original location represents the center location of the sound source or is relative to the center location of the sound source as recited in amended claims 1, 5, and 9. Thus, the cited sections of Potard fail to disclose these elements of amended claims 1, 5, and 9. Further, the Applicants have been unable to locate any sections of Potard or Pihkala which disclose these elements.

By including information representing the center point of a sound source, the method and system of claims 1, 5, and 9 can easily and efficiently extend a center point sound source uniformly along the surface of an object by allowing the distribution of point sounds to be relative to a center point of an object. By failing to disclose storing the geometrical center location of a sound source, the combination of Potard and Pihkala fails to teach or suggest each element of amended claims 1, 5, and 9. Therefore, claims 1, 5, and 9 as amended are not obvious in view of the combination of Potard and Pihkala. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 5, and 9 on this basis.

In regard to claims 2, 4, 8, 10, and 12-15, these claims depend from independent claims 1, 5 and 9, respectively, and incorporate the limitations thereof. The Examiner's argument assumes that the combination of Potard and Pihkala disclose all elements of claims 1, 5 and 9 which are incorporated in dependent claims 2, 4, 8, 10, and 12-15. However, as discussed above, the combination of Potard and Pihkala does not disclose all the limitations of claims 1, 5, and 9. Therefore, claims 2, 4, 8, 10, and 12-15 are not obvious in view of the combination of Potard and Pihkala. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2, 4, 8, 10, and 12-15 on this basis.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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